

1 **CALL TO ORDER**

2

3 **ROLL CALL**

4

5 Present: Steve Bellantone, Member, Drew Fitch, Member, Ronald Ledgett, Member,  
6 John Perry, Member, Karen Kalmar, Vice Chair, and Dutch Dunkelberger, Chair

7

8 Absent: Russell White, Member

9

10 Staff: Bart McDonough, Town Planner, Adam Causey, Director of Planning &  
11 Development, and Kathy Connor, Project Planner

12

13 Advisory: Earldean Wells, Conservation Commission

14

15 **PLEDGE OF ALLEGIANCE**

16

17 **PUBLIC COMMENTS**

18

19 The public may submit public comments for the DISCUSSION agenda item via email,  
20 US Mail, or by dropping written comments in the Drop Box outside the Town Hall  
21 entrance. Emailed comments should be sent to [bmcdonough@kitteryme.org](mailto:bmcdonough@kitteryme.org).  
22 Comments received by noon on the day of the meeting will be read into the record by  
23 the Council Chair.

24

25 There being none the Chair closed the public comments.

26

27 **NEW BUSINESS**

28

29 **ITEM 1 – Planning Board Recodification Update –**

30 A brief update relative to the recodification process and a discussion revolving around the  
31 establishment of a review timeline.

32

33 Adam Causey gave an overview of the process. The Board received the second draft of  
34 the recodification of Title 16. The Town is consulting with Ben Smith of North Star  
35 Planning for the recodification via Zoom. Subdivision sections and Subdivision review  
36 have good progress. Site Plan and Shoreland Development sections need to be cleaned  
37 up. Mr. Causey explained the draft and what has been updated and reorganized. Land  
38 Issues Committee still needs to see this draft and a meeting needs to be scheduled. The  
39 summer timeline will not be met. The new timeline is to now schedule the Town  
40 Committee meetings via Zoom, with no end date. Mr. Causey asked for any comments  
41 and said that it won't be done until the fall at the earliest due to the online challenges.

42 Vice Chair Kalmar agreed that the fall timeline is optimistic and reminded the Board and  
43 staff of the requirement needs for the recodification to be approved.  
44 Chair Dunkelberger asked the Board members to review the draft and provide any  
45 comments to staff to help move the process along.  
46

47 **ITEM 2 – Planning Board Discussion Related to Housing –**

48 A discussion relative to the latest revisions to certain sections of Title 16 concerning  
49 housing and its ancillary land use elements.  
50

51 Mr. Causey referred the Board to the code changes in the packet that were developed  
52 from the Housing Working Group and KLIC. Definitions and Zoning in relation to  
53 Affordable Housing were reviewed. Redeveloping the C-1, C-2, and C-3 zones to include  
54 residential development discussed.

55 Chair Dunkelberger offered feedback. He agrees with removing the dwelling unit size, but  
56 noted discrepancies in the rest of the Code and zoning, and dwelling unit size. He  
57 suggested a definition update for “cottage”.

58 Ms. Connor explained the discrepancies with the size restrictions of other dwelling units,  
59 such as the Cottage Cluster Development.

60 Chair Dunkelberger continued to the special exception use of a used car lot/sales. Ms.  
61 Connor commented that uses weren’t changed that didn’t relate to housing. Chair asked  
62 if these changes should be made as well. Vice Chair agrees and thinks that car lots should  
63 be removed from the zones if a residential node is being considered. Mr. Ledgett agrees  
64 that the car lots should remain on Rt 236 towards Eliot. Mr. Fitch thinks addressing these  
65 other issues will draw away from the Affordable Housing issues that are the focus of the  
66 changes.

67 Chair Dunkelberger opened up comments on building height. Mr. Causey explained the  
68 additional 10 feet for building height was an incentive to build affordable units. Vice Chair  
69 commented that the buffering is still in the code for adjacent residential lots.

70 Chair Dunkelberger moved on to minimum lot sizes/required space for dwelling units. He  
71 pointed out a typo related to “2,5000” on page 24 and 29 of the draft.

72 Vice Chair and Chair complimented the Planning Department on the drafts and changes.

73 Chair Dunkelberger brought up the section on roof pitch and asked to remove it from the  
74 draft. The Planning staff reported it is removed.

75 Chair Dunkelberger will forward anymore comments to the Planning Department for  
76 review.

77 Mr. Bellantone questioned joint use parking areas distance to the uses served (1500 feet),  
78 and where the distance came from. Staff explained that this was a way users could meet  
79 parking requirements and access requirements. The 1500 feet is the upper limit.

80 Mr. Fitch questioned the definition of affordability and the 45-year term. Ms. Connor  
81 replied the 45-year term came from Maine Housing. Mr. Causey informed the board that  
82 an additional meeting with the housing working group can address this issue since other  
83 projects’ term is 30 years.  
84

85 **OLD BUSINESS**  
86

87 **ITEM 3 – Planning Board Action Items/Priority List Review –**

88 Review the Planning Board’s priority list and identify new items to pursue.

89

90 Chair Dunkelberger asked for an update on prior items, such as AirBnB, short-term  
91 rentals and Neighborhood Mixed-Use zone changes from Mr. Causey.

92 Mr. Causey provided an update. Short-term rental ordinance in draft for Town Council to  
93 approve. Discussion continued around short-term rentals, with the removal of the item.

94 Neighborhood Mixed-Use zone is now in the property owner hands regarding the change  
95 of certain parcels changing zones. This item is also removed.

96 Chair Dunkelberger opened up discussion for new item suggestions.

97 Vice Chair suggested Cluster Development. The Board and Planning staff agreed. Mr.  
98 Causey will bring this item to KLIC, with the housing overlays over Cluster Development.

99 Discussion around climate change ensued. Flood resiliency, stormwater discussed. More  
100 information and data are requested before adding this item to the priority list.

101 Clarifying the interpretation on various overlay zones was discussed, in particular the  
102 Shoreland Overlay Zone and the Foreside. Staff offered to clarify inconsistencies if  
103 prioritized and updating imagery or zoning boundaries. Mr. Causey stressed that not all  
104 changes can be adopted in recodification.

105 Chair Dunkelberger stated that anything the Board can do to help recodification will be  
106 priority number 1. He asked Board members to make comments and suggestions  
107 individually and bring them together for the Board to review.

108

109 **ITEM 4 – Board Member Items/Discussion**

110 Mr. Ledgett asked staff if there were further complaints regarding brown algae in Spruce  
111 Creek near 412 Haley Road development.

112 Vice Chair Kalmar would like a discussion with the CEO regarding timber harvesting. This  
113 will be added to the bottom of the list.

114

115 **ITEM 5 – Town Planner/Director of Planning & Development Items:**

116 Mr. McDonough asked the Board if they were comfortable to hear applications on the  
117 online platform. Chair Dunkelberger stated a preference for in-person meetings. Mr.

118 Causey reported that Town Council is still deciding the logistics of in-person meetings.

119 In the meantime, to prevent a back-up of applications online meetings can be held. Mr.

120 Ledgett requested hard copies of plans for review. Mr. McDonough explained with the  
121 technology available plans can be shared on a single screen and it is feasible.

122

123 **Adjournment**

124

125 **Vice Chair Kalmar moved to adjourn the meeting. Mr. Bellantone seconded the**  
126 **motion.**

127

128 **The motion carried 6-0-0 by roll call vote.**

129

130 The Kittery Planning Board meeting of May 28, 2020 adjourned at 7:18 p.m.

131

132 Submitted by Carrie Bacon, Development Staff Clerk on November 17, 2020.

133

134 Disclaimer: The following minutes constitute the author's understanding of the meeting.  
135 Whilst every effort has been made to ensure the accuracy of the information, the minutes  
136 are not intended as a verbatim transcript of comments at the meeting, but a summary of  
137 the discussion and actions that took place. For complete details, please refer to the video  
138 of the meeting on the Town of Kittery website at  
139 <http://www.townhallstreams.com/locations/kittery-maine>.

140

141

1 **CALL TO ORDER**

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3 **ROLL CALL**

4

5 Present: John Perry, Member, Steve Bellantone, Member, Drew Fitch, Member, Ronald  
6 Ledgett, Member, Russell White, Member, Karen Kalmar, Vice Chair, and Dutch  
7 Dunkelberger, Chair

8

9 Absent: None

10

11 Staff: Bart McDonough, Town Planner, Adam Causey, Director of Planning &  
12 Development, and Jessa Kellogg, Stormwater Coordinator

13

14 Advisory: Earldean Wells, Conservation Commission

15

16 **PLEDGE OF ALLEGIANCE**

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18 **PUBLIC COMMENTS**

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21 US Mail, or by dropping written comments in the Drop Box outside the Town Hall  
22 entrance. Emailed comments should be sent to [bmcdonough@kitteryme.org](mailto:bmcdonough@kitteryme.org).  
23 Comments received by noon on the day of the meeting will be read into the record by  
24 the Council Chair.

25

26 There being none the Chair closed the public comments.

27

28 **OLD BUSINESS**

29

30 **ITEM 1—Title 16 Amendment**

31 Action: To schedule a public hearing to amend §16.2 Definitions, §16.3.2.11  
32 Commercial (C-1, C-2, C-3) and §16.7.8.4 Exemptions to net residential acreage  
33 standards.

34 Mr. McDonough gave an overview of the proposed changes, such as allowing  
35 residential dwelling units in the Commercial zones, changes in standards to  
36 accommodate the developments, and adding affordable housing requirements.  
37 Questions and comments from the Board opened.

38 Vice Chair Kalmar asked about removing mini-storage from the C-3 zone. Consensus  
39 from the Board to remove was achieved.

40 Vice Chair asked to remove used car sales as a special exception from C-1 and C-3,  
41 and add it as a special exception in C-2. Consensus by the Board to make the change  
42 was reached.

43 Mr. Fitch asked about the 45-year restriction on Affordable Housing and recommends  
44 15-year term to incentivize it. Discussion continued around the federal and state term  
45 limits. Consensus was reached that this can be resolved at the public hearing.

46  
47 **Vice Chair moved to set a public hearing for the revisions to the C-1 and C-3**  
48 **zones related to housing and revisions to definitions related to housing on July**  
49 **23, 2020. Seconded by Mr. Ledgett. The motion carried by roll call vote 7-0-0.**

50  
51 **NEW BUSINESS**

52  
53 **ITEM 2 – MS4 General Permit for Stormwater Discharges Update to the Planning**  
54 **Board**

55 Action: None. Presenter Jessa Kellogg, Public Works Inspector, Town of Kittery, and  
56 Kristie Rabasca, Stormwater Consultant, Integrated Environmental Inc.

57 An overview was provided by Ms. Kellogg, and an update was given by Ms. Rabasca.  
58 Changes in the ordinance were explained, including: standardizing Erosion and  
59 Sediment Control measures, Post Construction maintenance, location of the ordinance  
60 in the Town Code, Low Impact Development, and Coastal Resiliency grant.

61 **ITEM 3 – 76 Dennett Road – Mixed-Use Residential Development – Final Plan**  
62 **Review**

63 Action: Approve with or without conditions, continue consideration of or deny plan.

64 Owners William J. Cullen and Sail Away, LLC and applicant William Wharff request  
65 consideration of a mixed-use residential development on 23.3+- acres of land at 76  
66 Dennett Road (Tax Map 6 Lots 15B & 16A and Tax Map 13, Lot 4) in the Mixed Use -  
67 Neighborhood (MU-N) Zone. Agent is Shawn Tobey, P.E. Hoyle, Tanner Associates,  
68 Inc.

69 Shawn Tobey gave an update and overview of how the final plan was developed. Most  
70 changes have been minor and no major changes since the last meeting. Army Corps of  
71 Engineer permit for the buffer of the vernal pool and the culvert crossing for the access  
72 road obtained. The traffic movement permit from DOT has been received. Maine DEP  
73 site location of development permit in process, only held up due to the pandemic.

74  
75 Discussion with the Board continued briefly regarding typos and possible conditions.  
76

77 Chair Dunkelberger commended the agent and applicant, and mentioned that he  
78 received public comments requesting postponement of the Board's approval, which the  
79 Chair explained cannot happen due to the ordinance.

80

81 **Mr. Ledgett moved to waive Section 16.10.7.2 to provide to the Planning Board**  
82 **prior to final approval the Maine DEP Site Location of Development Act (SLODA)**  
83 **permit. Seconded by Mr. White. The motion carried by roll call vote 7-0-0.**  
84

85 **Mr. Ledgett moved to approve the final site plan dated June 17, 2020 with stated**  
86 **conditions of approval. Seconded by Vice Chair Kalmar. The motion carried by**  
87 **roll call vote 7-0-0.**  
88

89 **Vice Chair Kalmar read the findings of fact and the Board voted to affirm each**  
90 **finding by roll call vote 7-0-0.**  
91

92 **ITEM 4— Route 236 – Preliminary Site Plan Review**

93 Action: Accept or deny application. Schedule Public Hearing. Owner/applicant Robert T.  
94 Brennan, Jr. requests consideration of a preliminary site plan for a 1,672 sf 1-story  
95 building proposed for a car wash on a 324,233 sf lot located at the corner of Route 236  
96 and MacKenzie Lane (Tax Map 289, Lot 25D) in the Commercial (C-2) Zone. Agent is  
97 Ryan McCarthy, Tidewater Engineering, Inc.  
98

99 Ryan McCarthy gave an overview of the site plan and the landscape plan. The entrance  
100 and layout of the site was explained. Water district certified adequate water supply and  
101 flow. A self-contained, chamber system was designed to recycle the water since there is  
102 no availability for public sewer. Stormwater and grading overview given. Sidewalk  
103 waiver request explained. Lighting plan and signage discussed. Landscaping, including  
104 required/proposed trees, vegetation of perennials explained. Other site details  
105 discussed: dumpster, fencing, propane tank placement versus natural gas, and public  
106 bathroom. Traffic discussed, addressing expressed concerns, and suggested a right  
107 turn lane on Mackenzie Lane to Rt 236 for vehicles leaving the Car Wash and the  
108 Resource Recovery Facility. Impact to Cottontail habitat limited since the development  
109 is on the cleared field section of the lot, and not the wetlands.

110 The Board presented any concerns and questions for the applicant. Hours of operation:  
111 24 hours since it is automated but the applicant is open to shutting down overnight if  
112 needed. Malfunctions addressed: mostly computerized and off site so there is no  
113 employee needed. Reliability of equipment and broken machines in terms of customer  
114 service discussed. Back-lit signs allowed by code was asked by Vice Chair Kalmar.  
115 Traffic and lights discussed due to the difficulty of left turns onto Rt 236, along with  
116 sidewalks and easements for future sidewalk development.  
117

118 **Vice Chair moved to accept the preliminary plan application with the stated**  
119 **conditions. Seconded by Mr. Ledgett. The motion carried by roll call vote 7-0-0.**  
120 **Site walk scheduled for July 7, 2020 at 10:30am.**

121 **Vice Chair moved to hold a Public Hearing on July 23, 2020 on a Preliminary Site**  
122 **Plan application. Seconded by Mr. Ledgett. The motion carried by roll call vote 7-**  
123 **0-0.**  
124

125 **\*Video feed ended at 8:19PM after the roll call vote for Item 4.**

126 **ITEM 5 – Board Member Items/Discussion**

127

128 **ITEM 6 – Town Planner/Director of Planning & Development Items:**

129

130 **a. Planning Board Action Items/Priority List Review Update**—Review the Planning  
131 Board’s priority list.

132

133 **Adjournment**

134

135 The Kittery Planning Board meeting of June 25, 2020 adjourned at 8:19 p.m.

136

137 Submitted by Carrie Bacon, Development Staff Clerk on November 17, 2020.

138

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141 minutes are not intended as a verbatim transcript of comments at the meeting, but a

142 summary of the discussion and actions that took place. For complete details, please

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144 <http://www.townhallstreams.com/locations/kittery-maine>.

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6 Ronald Ledgett, Member, Drew Fitch, Member, Karen Kalmar, Vice Chair, and Dutch  
7 Dunkelberger, Chair

8

9 Absent: None

10

11 Staff: Bart McDonough, Town Planner, Adam Causey, Director of Planning &  
12 Development, and Kathy Connor, Project Planner

13

14 Advisory: Earldean Wells, Conservation Commission

15

16 **PLEDGE OF ALLEGIANCE**

17

18 **AGENDA AMENDMENTS**

19

20 Mr. McDonough suggested to start with “New Business” since the applicant for Item 1  
21 was not present on the call yet, and there were no public attendees for Item 2 despite  
22 public interest.

23

24 **APPROVAL OF MINUTES**

25

26 Chair Dunkelberger requested the Board send in any minute amendments to Mr.  
27 McDonough. Approval of minutes will be done in masse at the next meeting.

28

29 **PUBLIC COMMENTS**

30

31 Public comment and opinion are welcome during this open session. However,  
32 comments related to development projects currently under review by the Planning  
33 Board shall be heard only during their respective scheduled public hearing. Due to the  
34 current pandemic, all meetings and public hearings held by the Planning Board are  
35 conducted via Zoom webinar. To register in advance for the webinar, please submit a  
36 request to [bmcdonough@kitteryme.org](mailto:bmcdonough@kitteryme.org). After registering, you will receive a confirmation  
37 email containing information about joining the webinar. Webinar participants will be able  
38 to submit questions and comments during the public hearing and public comment  
39 period. Members of the public unable to participate during the webinar may submit

40 comments for agenda items via email, US Mail, or by dropping written comments in the  
41 Drop Box outside the Town Hall entrance. Emailed comments should be sent to  
42 [bmcdonough@kitteryme.org](mailto:bmcdonough@kitteryme.org). Comments received by noon on the day of the meeting  
43 will be read into the record by the Planning Board Chair.

44

45 There being none the Chair closed the public comments.

46

## 47 NEW BUSINESS

48

49 **ITEM 3— Land Use Development Code Amendments— To amend Title 16 to add a**  
50 **new section entitled “Affordable Housing”, and to amend §16.7.8.4 Exemptions to**  
51 **net residential acreage standards and to amend §16.3.2.4.D Standards**

52 Action: To schedule a public hearing.

53

54 Mr. McDonough briefly explained the proposed amendments and the justification for the  
55 need of a public hearing.

56 Vice Chair Kalmar brought to attention the confusion of the 30-year and 45-year term of  
57 Affordable Housing section.

58 Discussion continued around the term length. The intent was 30 years and a  
59 discrepancy of the revision copies is at fault.

60 Requests to tighten the language around the advertising of the Affordable Housing. Mr.  
61 Causey provided the Board details regarding the current language.

62 Mr. Ledgett asked questions about density and zoning, and the big picture of the  
63 outcomes of the zone changes. Mr. McDonough and Mr. Causey explained the rational.  
64 Mr. Ledgett commented about development along waterbodies like Spruce Creek, and  
65 how to keep the degradation of the waterbody from happening. Mr. Causey responded  
66 that DPW was working on updated Stormwater Management Regulations. Ms. Connor  
67 explained there is a provision in the zoning regulations about stormwater management.  
68 Vice Chair Kalmar asked about the restrictions on the Affordable Housing and how they  
69 would be enforced. Mr. McDonough provided an explanation including the formation of  
70 covenants and the Housing Committee.

71 Mr. Fitch asked about re-selling and if the unit remains in the Affordable Housing  
72 market. Mr. McDonough explained that the covenant remains on the deed and stays  
73 with the land. The issue of the unit being sold at market, and then sold again as  
74 “affordable” would not be possible. Mr. McDonough agreed to look further into the issue  
75 along with the Housing Committee.

76 Mr. White commented as well on the non-eligible household clause in re-selling the unit,  
77 and whether that is in the best interest of the Town. Discussion continued around deed  
78 restrictions, the housing market, and affordable unit rotation.

79 Chair Dunkelberger reported liking the new Code. He called for setting a public hearing  
80 and requesting feedback from the Economic Development Committee.

81

82 **Vice Chair Kalmar moved to schedule a public hearing for August 13, 2020. Mr.**  
83 **Ledgett seconded the motion. The motion passed by roll call vote, 7-0-0.**

84

85 **ITEM 4— 8 Wentworth Street, Rice Public Library – Preliminary Site Plan Review**

86 Action: To schedule public hearing. Owner/applicant, the Town of Kittery, requests  
87 consideration of a preliminary site plan review for a three-story addition and related site  
88 improvements to the Rice Public Library located at 8 Wentworth Street (Tax Map 4, Lot  
89 88) in the Mixed Use – Kittery Foreside (MU-KF) Zone. Agent is Ryan Kanteres, Scott  
90 Simons Architects.

91

92 Mr. McDonough gave a brief update on where the project stands due to COVID-19  
93 delaying the project. New site plans at the hearing would be provided.

94

95 **Mr. Ledgett moved to hold a public hearing on August 13, 2020. Seconded by Mr.**  
96 **White. The motion passed by roll call vote, 7-0-0.**

97

98 **PUBLIC HEARING**

99

100 **ITEM 1— Route 236 – Preliminary Site Plan Review**

101 Action: Continue or close public hearing, approve with or without condition, or deny  
102 plan. Owner/applicant Robert T. Brennan, Jr. requests consideration of a preliminary  
103 site plan for a 1,672 sf 1-story building proposed for a car wash on a 324,233 sf lot  
104 located at the corner of Route 236 and MacKenzie Lane (Tax Map 28, Lot 25D) in the  
105 Commercial (C-2) Zone. Agent is Ryan McCarthy, Tidewater Engineering, Inc.

106

107 Ryan McCarthy gave the Board an update in regards to the questions 1-5 on the staff  
108 review notes. Need for a bathroom discussed with the options of the type of facility.  
109 Applicant does not feel a bathroom is needed, and this item is pending. Question 2 was  
110 about widening Mackenzie Lane, and Mr. McCarthy reviewed the site plan and the  
111 traffic implications. An in-depth traffic study or providing a second access to the site  
112 discussed. Owner opted to provide a second access-right turn lane to the site over the  
113 traffic study.

114 Chair Dunkelberger read a notice from DPW- Mr. Rich and Ms. Kellogg commented on  
115 the project in terms of Mackenzie Lane and the traffic study, identifying the questions or  
116 issues DPW have with the project. Mr. McCarthy responded to the posed questions and  
117 requested clarifications. Discussion continued around traffic, right-turn lane and stop  
118 bars, and the need for a study.

119 Vice Chair Kalmar asked about the fill on the property and the request for CMA to verify  
120 the safety of the contents of the fill on the property. Mr. McDonough clarified and  
121 requested the agent address this at the next meeting. Mr. McCarthy responded, saying  
122 they did three test pits on the site and the structural support will not be a concern. They  
123 have proposed incorporating a filter medium into the stormwater management system.  
124 CMA can confirm these statements.

125 Chair Dunkelberger asked about backlit signage. Mr. McDonough read the sign  
126 ordinance to clarify the use of backlit signs. He suggested the applicant submit a sign  
127 design for the Town to review.

128 The wetland along Mackenzie Lane was discussed. Mr. McCarthy clarified the drainage  
129 ditch along Mackenzie Lane is not a wetland but a drainage ditch. The portion further  
130 back that is wider than 12 feet is included in the wetland data, and the report from Joe  
131 Noel, soil scientist, supports this data.

132 The Board agreed to forgoing the traffic study in lieu of the right turn lane.

133

134 **Mr. Ledgett moved to continue the public hearing to August 27, 2020. Seconded**  
135 **by Mr. White. The motion passed by roll call vote 7-0-0.**

136

137 **ITEM 2— Land Use Development Code Amendments—Title 16.2 Definitions and**  
138 **16.3.2.11 Commercial (C-1, C-2, C-3) Action: Continue or close public hearing,**  
139 **recommend or not recommend to Town Council.** The proposed amendments to Title 16.2  
140 Definitions seek to add and amend terms therein while the proposed amendments to  
141 16.3.2.11 Commercial (C-1, C-2, C-3) seek to amend use, dimensional and performance  
142 standards for the commercial zones.

143

144 Mr. McDonough gave a brief overview of the amendments and their development.

145

146 Chair Dunkelberger opened up the public comments, first reading in the written  
147 comments received. Bill and Eileen McCarthy, Adams Drive, wrote a comment opposing  
148 the Land Use Development Code Amendments. Emily Flingstrom, 12 Manson Ave. Ext.  
149 wrote comments supporting the amendments.

150

151 Mr. McDonough opened the comments to the public on the webinar.

152 Jennifer Thayer, commented 236 Business zoning (not Mixed Use) and TIF. Mr.  
153 McDonough clarified that the public hearing is for specific zoning changes found on the  
154 website and not the prior approved project on Dennett Rd. She was directed to review  
155 the changes and stay in queue to comment later during the hearing.

156 Richard Balano, Ox Point Drive, expressed opposition to the proposal regarding raised  
157 height limits (50 ft.) in C-1 and C-3 homes for multi-family dwellings, citing costs and  
158 character changes. Also commented opposition on flat roofs, citing pitched roofs are  
159 what the Town and the public wants.

160 Debbie Driscoll, Housing Committee, reported being on the meeting just to observe for  
161 the committee.

162 David Durling, Adams Drive, commented on the setbacks (rear and side) buffering the  
163 residential lots and asked for clarification. The buffer would be 15 feet in C-2 Zone. He  
164 expressed concern over the buffer not being adequate.

165 Jennifer Thayer, Martin Rd., also commented the 15 ft buffer and the complicated  
166 language of zoning. Wetland filling and ecosystem compromise mentioned, with a  
167 question regarding when the zoning changed. Waste removal procedures, sustainable  
168 energy, and development questioned. Chair Dunkelberger directed Ms. Thayer to the  
169 Land Issues Committee, and Earl Dean Wells on the Conservation Committee as points  
170 of contact for the environmental issues.

171 William McCarthy commented he sent in a letter and has no further comments or  
172 questions.

173 Chair Dunkelberger opened the public comments up to the Board.  
174 Vice Chair mentioned the 30 and 45-year term for the Affordable Housing, and buffer  
175 requirement wavier/modifications.  
176 Mr. Ledgett asked about the current buffer setbacks on Adams Drive, Cottage Way and  
177 Ox Point Drive. Mr. Ledgett asked for clarification on what the new setbacks are for:  
178 current residential areas or new development in the C zones?  
179 Chair Dunkelberger suggests removing the word “waive” and leave “modify” for the  
180 buffer requirement.  
181 Vice Chair commented on the intention of the planting and replanting language of  
182 vegetation that does not survive one year.  
183 Mr. Bellantone asked about if a modification be a waiver? Chair Dunkelberger answered  
184 no.

185  
186 **Vice Chair moved to continue the public hearing for the proposed amendments to**  
187 **Title 16.2 definitions and 16.3.2.11 C-1, C-2, C-3 to August 13, 2020. Seconded by**  
188 **Mr. Ledgett. The motion carried by roll call vote 7-0-0.**  
189

190 **ITEM 5 – Board Member Items/Discussion**

191  
192 Chair Dunkelberger reported on an email from Town Council Chair Spiller regarding  
193 scheduling a joint workshop in September on sustainability and flood zone areas of  
194 Kittery. Mr. Ledgett suggested that this topic and draft ordinance needs to be given to  
195 staff, and will coordinate with Mr. Causey.

196  
197 **ITEM 6 – Town Planner/Director of Planning & Development Items**

198  
199 Mr. Causey gave a brief update on Title 16 recodification. The Kittery Land Issues  
200 Committee met and made further changes. The draft will be supplied to the Board after  
201 the next KLIC meeting.

202  
203 **Adjournment**

204  
205 **Mr. White moved to adjourn the meeting. Seconded by Vice Chair Kalmar. The**  
206 **motion passed by roll call vote 7-0-0.**  
207

208 The Kittery Planning Board meeting of July 23, 2020 adjourned at 8:23 p.m.

209  
210 Submitted by Carrie Bacon, Development Staff Clerk on December 1, 2020.

211  
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6 Ledgegett, Member, Russell White, Member, Karen Kalmar, Vice Chair, and Dutch  
7 Dunkelberger, Chair

8

9 Absent: None

10

11 Staff: Bart McDonough, Town Planner, Adam Causey, Director of Planning &  
12 Development, and Kathy Connor, Project Planner

13

14 Advisory: Nanci Lovett, Conservation Commission

15

16 **PLEDGE OF ALLEGIANCE**

17

18 **APPROVAL OF AGENDA**

19

20 **APPROVAL OF MINUTES-** 9/12/19, 9/26/19, 10/10/19, 10/24/19, 11/14/19, 12/12/19,  
21 1/9/20, & 1/23/20

22

23 **Vice Chair Kalmar moved to approve the minutes as presented and amended.**  
24 **Seconded by Mr. Ledgegett. The motion passed by roll call vote 7-0-0.**

25

26 **PUBLIC COMMENTS**

27

28 Public comment and opinion are welcome during this open session. However,  
29 comments related to development projects currently under review by the Planning  
30 Board shall be heard only during their respective scheduled public hearing. Due to the  
31 current pandemic, all meetings and public hearings held by the Planning Board are  
32 conducted via Zoom webinar. To register in advance for the webinar, please submit a  
33 request to [bmcdonough@kitteryme.org](mailto:bmcdonough@kitteryme.org). After registering, you will receive a confirmation  
34 email containing information about joining the webinar. Webinar participants will be able  
35 to submit questions and comments during the public hearing and public comment  
36 period. Members of the public unable to participate during the webinar may submit  
37 comments for agenda items via email, US Mail, or by dropping written comments in the  
38 Drop Box outside the Town Hall entrance. Emailed comments should be sent to



39 [bmcdonough@kitteryme.org](mailto:bmcdonough@kitteryme.org). Comments received by noon on the day of the meeting  
40 will be read into the record by the Planning Board Chair.

41  
42 There being none the Chair closed the public comments.

43  
44 **OLD BUSINESS**

45  
46 None

47  
48 **PUBLIC HEARING**

49  
50 **ITEM 1— 8 Wentworth Street, Rice Public Library – Preliminary Site Plan Review**  
51 Action: Approve or deny plan, or continue public hearing. Owner/applicant, the Town of  
52 Kittery, requests consideration of a preliminary site plan review for a three-story addition  
53 and related site improvements to the Rice Public Library located at 8 Wentworth Street  
54 (Tax Map 4, Lot 88) in the Mixed Use – Kittery Foreside (MU-KF) Zone. Agent is Ryan  
55 Kanteres, Scott Simons Architects.

56  
57 Mr. McDonough passed along apologies for the Town Manager’s absence. He gave a  
58 brief update of the project.

59 Steve Doe followed up and gave more details on the site plan changes, including:  
60 parking lots, garden elimination (keep current landscape), walkways, stormwater  
61 management, retaining wall, dumpster with enclosure, setbacks, and signs.

62 The Board commented on setback encroachments.

63 Chair commented on the parking spot requirements and valid counts.

64 Mr. McDonough opened the public hearing to the public for comments.

65 Chair Dunkelberger read two written comments into the record.

66 Suzanne Johnson’s letter opposed the library plan.

67 Scott Bridge’s letter approved of the parking and landscaping plan, with only a concern  
68 over tenant parking for his tenants.

69 Mr. McDonough read received typed comments.

70 Mike Champion, 18 Traip Ave., wrote concerns about the construction phase activity and  
71 his parking area.

72 Mr. McDonough then opened up public comments.

73 Mike Champion commented on the timeline of the construction and the traffic on Traip  
74 Avenue, as well as the access to the library from Traip Avenue. Mr. McDonough  
75 clarified the road access, and Mr. Kanteres clarified parking and parking lot access.

76 Mr. Champion questioned about reserved parking spaces for businesses and the  
77 construction timeline, and Mr. Causey responded.

78 Mr. Champion asked about the stormwater management plan and the current conditions  
79 of the storm drains. Clarification was given regarding the changes.



80 **Mr. White moved to continue the public hearing to August 27, 2020. Seconded by**  
81 **Mr. Ledgett. The motion passed by roll call vote, 7-0-0.**

82  
83 **ITEM 2— Land Use Development Code Amendments—Title 16.2 Definitions and**  
84 **16.3.2.11 Commercial (C-1, C-2, C-3) Action: Continue or close public hearing,**  
85 **recommend or not recommend to Town Council.** The proposed amendments to Title 16.2  
86 Definitions seek to add and amend terms therein while the proposed amendments to  
87 16.3.2.11 Commercial (C-1, C-2, C-3) seek to amend use, dimensional and performance  
88 standards for the commercial zones.

89 Chair Dunkelberger and Mr. McDonough opened the hearing to the public.  
90 Debbie Driscoll commented about: gasoline stations and shoreland zoning, mini-  
91 storage/warehouse storage discrepancies, research & development next to residential,  
92 hazardous materials, commercial greenhouses and marijuana, building heights, the  
93 potential use of 100-year storm data, zero setback from the shore for water dependent  
94 uses, shared parking and crosswalks expense, natural mulch, width and height  
95 requirements for buffers, and including examples of median income figures.

96 Tom Emerson, 10 Ox Point Dr., member of the Kittery Economic Development  
97 Committee, invited the Board members to attend their next meeting. Comments  
98 included concern about brick-and-mortar retail, retail space vs. warehouse space and  
99 property values, building heights, roof pitch, pedestrian priority and buffering, parking  
100 requirements, streetscape, urban design problem and mixed-use design.

101 Mr. Causey gave details for the next Economic Development Committee meeting.  
102 James O'Connell, 240 US Route 1, expressed concern over self-storage and moving  
103 business.

104 Debbie Driscoll commented again about grandfathering current business uses, and  
105 sidewalk approvals.

106 Chair Dunkelberger opened up the hearing to Board member comments.

107 Vice Chair Kalmar expressed concern similar to Mr. Emerson about the empty  
108 buildings. Ms. Kalmar agreed with Ms. Driscoll's suggestion of reviewing permitted  
109 uses, while allowing residential growth.

110 Mr. Ledgett commented that the ordinance isn't going to get the Town what it wants,  
111 and that more work is needed for that vision.

112 Board Member discussion around the vision continued.  
113

114 **Mr. Ledgett moved to continue the public hearing for the proposed amendments**  
115 **to Title 16.2 definitions and Title 16.3.2.11 C-1, C-2, C-3 to August 27, 2020.**  
116 **Seconded by Vice Chair Kalmar. The motion carried by roll call vote 7-0-0.**  
117

118 **ITEM 3— Land Use Development Code Amendments— Add new section to Title**  
119 **16 titled "Affordable Housing", to amend §16.3.2.4.D Standards, to amend**  
120 **§16.7.8.4 Exemptions to net residential acreage standards, and to amend**  
121 **§16.8.9.4 Off street parking standards Action: Continue or close public hearing,**  
122 **recommend or not recommend to Town Council.** The proposed amendments to Title 16  
123 include inserting a new section entitled "Affordable Housing" that intends to provide and  
124 incentivize the construction of a diversity of housing types; an amendment to

125 §16.3.2.4.D Standards that intends to remove a dwelling unit standard so as to be in  
126 conformance with the definition of a dwelling unit; an amendment to §16.7.8.4  
127 Exemptions to net residential acreage standards that intends to provide exemptions  
128 from the standards for certain uses in the C-1 and C-3 zones; to amend §16.8.9.4 Off-  
129 street parking standards that intends to provide dimensional standards for compact  
130 vehicles, or take any other action relative thereto.

131

132 Mr. McDonough gave an update on staff's comments and read each amendment:  
133 market rate units for rent, affordable off-site units of comparable quality, sub-leasing or  
134 short-term rental prohibited, notice of availability to Town of affordable unit on the  
135 market, non-eligible household occupancy and conditions, failure to sell affordable unit,  
136 modification of conditions by a housing committee, formulas/expenses, sale price, HOA  
137 fee approvals by Town, re-sale prices calculations and incentives by homeowners, plan  
138 submissions by applicant to the Town/Board, land use restrictions, and Certificate of  
139 Occupancy.

140 Explanation of each amendment was given as needed. Board members voiced  
141 concerns or questions to Mr. McDonough and staff regarding the amendments,  
142 including: the notifications to the Town regarding the failure of an affordable unit selling,  
143 the enforcement of the developer including the affordable units in the project,  
144 administrative steps, lease vs. rent language, and automatic lease renewals.

145 Mr. Causey clarified the Board and Housing Committee's role in the process of  
146 Affordable Housing.

147 Discussion from the Board and Staff continued over language and format,  
148 calculations/formulas, HOAs, re-sale, 2/3 majority of HOA approvals, deed restrictions,  
149 and compact car parking.

150 The hearing was opened up to the public for comments. Video feed cut out at 7:59 PM,  
151 and returned a minute later.

152 Debbie Driscoll, commented but due to technical difficulty it was cut from the video feed.  
153 She expressed concern about the development of more affordable housing not labeled  
154 as "affordable", and steering development to certain areas of town.

155 Tom Emerson commented on the Commercial and Business zones and single-family  
156 homes/subdivisions, and exceptions. Ms. Connor addressed his concerns and the  
157 Board would like to look at the language.

158 No further comments from the public or board.

159

160 **Mr. White moved to continue the public hearing for August 27, 2020. Mr. Ledgett**  
161 **seconded the motion. The motion passed by roll call vote, 7-0-0.**

162

## 163 **NEW BUSINESS**

164

### 165 **ITEM 5 – Board Member Items/Discussion**

166

167 No Board Member Items or Discussion.

168

### 169 **ITEM 6 – Town Planner/Director of Planning & Development Items**

170  
171 Mr. Causey gave a brief update on the Title 16 recodification changes with KLIC. He  
172 told the Board there is a new GIS system on the website.  
173 Mr. McDonough told the Board that the priority list will be updated or amended in  
174 regards to outdoor seating.  
175 The Board complemented Ms. Connor on the Affordable Housing Code.

176  
177 **Adjournment**

178  
179 **Vice Chair Kalmar moved to adjourn the meeting. Seconded by Mr. White. The**  
180 **motion passed by roll call vote 7-0-0.**

181  
182 The Kittery Planning Board meeting of August 13, 2020 adjourned at 8:16 p.m.

183  
184 Submitted by Carrie Bacon, Development Staff Clerk on December 11, 2021.

185  
186 Disclaimer: The following minutes constitute the author's understanding of the meeting.  
187 Whilst every effort has been made to ensure the accuracy of the information, the  
188 minutes are not intended as a verbatim transcript of comments at the meeting, but a  
189 summary of the discussion and actions that took place. For complete details, please  
190 refer to the video of the meeting on the Town of Kittery website at  
191 <http://www.townhallstreams.com/locations/kittery-maine>.

192